



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

bigotry, at a period when we hoped more liberal sentiments had generally prevailed. Although knowledge and liberality are making progress, some stragglers lag behind in the march of mind, and would fain, if they could, bring back the darkness of older times. They mistake the times in which they live, and as far as they have power, would reduce us to endure the fanaticism and intolerance of the days of John Knox : " On the 25th ult. the general assembly of the church of Scotland passed a resolution, that the Sunday School taught by Mr. Muir, in Glasgow, ought to be suppressed, as he entertains most erroneous religious opinions, and if the efforts of the Presbytery are ineffectual, that they should apply to the civil magistrate to enforce their authority. And that to teach school, during service on the Sabbath-day is illegal, and punishable by a magistrate."

A man with a shorter creed than his neighbour's, may benevolently assist to teach the poor to read and spell. Who is to judge, if his opinions are erroneous or just? The assumption of a power to judge in these instances, leads at once to the infringement of the liberty of religious opinions. In this case we have a fresh instance that the church is ready to call on the state to support her authority, and that the desire to persecute is not extinct.

The hopes of the war faction have been again revived, by some expressions of the Chancellor of the Exchequer, which pointed to a probability of a rupture between France and Russia, and revived the hopes of another coalition. When will a nation learn wisdom from former errors, and be weaned by fatal experience from cherishing fallacious hopes!

The victories of Almeida and Albuera have been dearly purchased, by such immense losses, as with some to throw a shade of doubt whether victories they may be called. They are at least repulses of the French, but they cost dearly, and will not probably have any beneficial effect on the result of the campaign. Wars form now a question of numbers and finance. France from its superior population can bear a waste, which, estimating human life only as a mercantile speculation, these countries cannot endure on the scale of our comparatively limited population. On this calculation, France bids fair ultimately to succeed.

---

#### DOCUMENTS.

---

As the subject of confinement in penitentiary houses, is closely connected, with the mitigation of the criminal code, we have procured the following copy of a bill introduced into the House of Commons, by W. W. Pole. If transportation or confinement in houses of correction are made effective punishments, capital punishments, at least for inferior offences, may be safely dispensed with, but at present they are not enforced with sufficient strictness. Many sentenced to transportation escape that the expense may be saved, and confinement without a reform in the system of such houses, will but harden, not amend offenders.

*A Bill to authorize the punishment, by confinement and hard labour, of persons in Ireland, liable to transportation; and to repeal so much of a former act, as relates to that subject.*

*Ordered by the house of Commons to be printed, May 17th, 1811.*

Whereas by an act of parliament passed in Ireland in the seventeenth and eighteenth years of his Majesty's reign, intituled, "An act to authorise for a limited time the punishment by hard labour of offenders who for certain crimes are or shall become liable to be transported to any of his Majesty's colonies and plantations," it was a-

mongst other things enacted, that where any person should be convicted of any offence for which he or she should be liable by law to transportation, it should be lawful for the court, in place of transportation, to order that such person should be sent to some place of confinement to be there kept to hard labour, in manner in said act provided :

And whereas the said act has been since made perpetual :

And whereas the provisions of the said act in that respect have been found ineffectual ;

Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much of the said act as relates to the ordering or adjudging any such convict, or any convict to labour in any such place of confinement, and all and every clause and provision in said act relating thereto, be and the same are hereby repealed ; save only so far as relates to any such sentence order or adjudication, passed or made before the passing of this act, or the provisions necessary for carrying the same into execution.

And be it further enacted, that where any person shall at any session of Oyer and Terminer or gaol delivery, or any quarter or other general sessions of the peace for any county city town or place in that part of the united kingdom called Ireland, be lawfully convicted of any crime for which he or she shall be liable by law to transportation, it shall be lawful for the court before which such offender shall be so convicted, or any court held for the same place and with like authority, if such court shall think fit, in the place of such punishment by transportation, to order and judge that such person shall be sent to some house of correction or penitentiary within the said county, city, town or place, to be appointed in and by such order, there to be kept to hard labour for such time or for such term or number of years as such court shall appoint ; provided that the same shall in no case be more than ..... years ; provided always, that it shall be lawful for the court before which any offender or offenders shall be so convicted, to order such offender to be ..... or ..... for any time less than ..... or to suffer such other & ..... punishment as such

offenders are liable to, and as may be inflicted on such offenders by law ; any thing herein contained to the contrary notwithstanding.

And be it further enacted, that when any offender shall be ordered to be kept to hard labour in manner aforesaid, the clerk of the peace or other clerk of the court by which such order shall be made, shall give to the sheriff or gaoler having the custody of such offender, a certificate in writing under his hand containing an account of the christian name, surname and age of such offender, of his or her offence, of the court before whom he or she was convicted, and of the term for which he or she shall have been so ordered to hard labour ; and the sheriff or gaoler shall with all convenient speed after the making of any such order and receiving of such certificate, convey such offender or cause him or her to be conveyed to the proper house of correction or penitentiary, and deliver such offender or cause him or her to be delivered, together with the said certificate, into the custody of the master or keeper of such house of correction ; and the person and persons to whom such offender shall be so delivered, shall give a proper receipt in writing under his or their hand or hands, which shall be a sufficient discharge to the sheriff, gaoler or other person so delivering any such offender.

And be it further enacted, that all expenses incurred by any sheriff or gaoler, in the conveyance of any such offender as aforesaid, shall be paid by the county, city, town, or place, for which the court ordering such punishment by hard labour, instead of transportation, shall be held ; and the sheriff or gaoler shall receive the money due for such expenses from the treasurer of such county, city, town or place, by order of the justices of the peace thereof, at their quarterly or other general sessions, who are hereby required to make such order accordingly, and the same shall be presented by the grand jury of such county city, or town, at the next assizes or presenting term therein.

And be it further enacted, that if any person shall rescue any offender who by force of this act shall be ordered to hard labour in any house of correction as aforesaid, either in his conveyance to the place so appointed for such hard labour, or whilst such offender under this act shall be in the custody of the person or persons

appointed for that purpose ; or if any person shall be aiding or assisting in such rescue ; or if any person not having the actual custody of any such offender shall be aiding and assisting in any escape, or shall by supplying arms or instruments of disguise or escape, or otherwise in any manner be aiding and assisting in the attempt to make any such escape, though no such escape shall be made, every such person on being convicted of such offence by indictment before any court of oyer and terminer and general gaol delivery held in and for the place where such offence shall be committed, shall be by such court adjudged and ordered to the same portion of hard labour in some house of correction as the person rescued or escaped or attempted to be aided in any escape, had to serve or suffer at the time of such rescue, escape or attempt of an escape.

And be it further enacted, That if any person who shall be so ordered to hard labour as aforesaid, shall at any time during the term for which he or she shall be so ordered to hard labour, break prison, or escape from the place of his or her confinement, or from the person or persons having the lawful custody of such offender, he or she so breaking prison or escaping shall, on conviction for the first escape, be punished by the term of the service and hard labour to which he or she was liable at the time of such escape, and on conviction for a second escape be adjudged guilty of

And, to the intent that such conviction or convictions may be had with as little trouble and expense as possible, be it further enacted, That every offender or offenders escaping in manner aforesaid, may and shall be tried before the justices of assize oyer and terminer or gaol delivery, for the county, city, or place, where he, she, or they shall be apprehended and taken ; and that the clerk of the peace where such order of confinement and hard labour shall be made, and his successor for the time being, shall, at the request of the prosecutor, or any other in his Majesty's behalf, certify a transcript briefly, and in few words, containing the effect of every indictment and conviction of such person, and of the order made for his or her confinement and hard labour, to the justices of assize oyer and terminer and gaol delivery, where such person shall be indicted for any such escape, not taking for the

same above the sum of which certificate being produced in court, shall be a sufficient proof that such person or persons have before been convicted, and ordered to such place of confinement and hard labour.

Provided always, and be it further enacted, That such clerk of the peace, and the sheriff or gaoler, be paid by the treasurer of the county, city, town, or place, the like satisfaction as hath been usually paid for the order of transportation of any offender.

Provided always, and be it further enacted, That the offender or offenders, who shall by virtue of this act be directed to be confined and kept to hard labour, shall, in such house of correction, be kept separate from, and shall not be permitted or suffered to intermix with any person or persons confined for any offence, not making the person or persons having committed the same subject to a sentence of transportation.

And be it further enacted, That the overseers or keepers of the several houses of correction, or penitentiary, in which any prisoner so sentenced to hard labour, shall be confined, shall from time to time make returns, specifying the names of all and every the person or persons who shall be so committed to their custody, the offences of which they shall have been guilty, the court before which each person was convicted, the sentence of the court, the age, bodily state and behaviour of every such convict while in custody ; and also the names of all and every the person or persons who shall have died under such custody, or shall have escaped from such place of confinement, or shall have been released from thence (specifying the mode of such release) ; such returns to be made to the justices of assize at each assizes, and to the justices of peace at each quarter or other general sessions of the peace, for the county, city, or place, within which such place of confinement shall be situate ; and that every such return shall be verified on the oath of the person making the same, such oath to be made before the court into which the return shall be delivered.

And be it further enacted, That every offender who shall be delivered to be kept to hard labour in manner aforesaid, shall, at the end of the term of such service, and upon being restored to liberty,

receive from the keeper of such house of correction, such sum of money, not being less than ..... nor more than ....., together with such decent clothing as the court into which such return shall be made as aforesaid shall appoint; and if any such offender, whilst confined to hard labour in manner aforesaid, shall by industry and other good behaviour, show such signs of reformation as shall induce the said court to recommend him as an object of mercy to the Lord Lieutenant, or other chief governor or governors of Ireland for the time being, and it shall be thereupon signified by a letter from such secretary to the keeper of such house of correction or penitentiary, that the Lord Lieutenant, or other chief governor or governors of Ireland for the time being, thinks or think fit, in consideration of such good behaviour, to shorten the duration of such offender's term, such offender shall be accordingly set at liberty at the time mentioned in such letter, and shall receive a sum of money from such keeper, and clothing, in the same manner as if he or she had served the whole of the term, for which he or she was adjudged to serve.

And be it further enacted, that such keeper shall receive such sum of money, and the reasonable price of such clothing so given by him as aforesaid, from the treasurer of the county city or town, by order of the justices of the peace thereof, at their quarterly or other general sessions, who are hereby required to make such order accordingly; and the same shall be presented by the grand jury of such county, city, or town, at the next assizes or presenting term.

And be it further enacted, That if any suit or action shall be prosecuted against any person or persons, for any thing done in pursuance of this act, such person or persons may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done by the authority of this act; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs, shall become nonsuit, or discontinue his, her, or their actions, after issue joined, or if a demurrer or otherwise judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall recover .....

BELFAST MAG. NO. XXXV.

costs, and have the like remedy for the same, as any defendants have by law in other cases; and though a verdict shall be given to any plaintiff in any such action or suit as aforesaid, such plaintiff shall not have costs against the defendant, unless the judge, before whom the trial shall be, shall certify his approbation of the verdict.

And be it further enacted, That all actions, suits, and prosecutions to be commenced against the person or persons for any thing done in pursuance of this act, shall be laid and tried in the county or place where the fact was committed; and shall be commenced within ..... months after the fact committed, and not otherwise.

Provided always, and be it enacted, that it shall be lawful to and for the Lord Lieutenant or other chief governor or governors of Ireland for the time being, to order that any such offender be removed to any house of correction or penitentiary in Ireland, and there kept to hard labour for any term not exceeding the term of confinement which shall then remain unexpired, under the order by virtue of which such offender shall be then so confined; and also to order at any time during the said term, that such offender shall be sent back to such former house of correction or penitentiary for the residue of such time; any thing in this or any other act to the contrary notwithstanding.

#### DINGLE MEETING.

A most respectable and numerous meeting, held at Dingle, county of Kerry, have paid that tribute to Counsellor O'Connell, which his patriotism, his talents and exertions in the cause of his country so justly merit. The following is an abstract of the proceedings on the occasion:

*At a meeting of the Gentlemen Clergy, Magistrates and Freeholders, of the town and vicinity of Dingle, held in that town, on the 13th day of June, 1811, in pursuance of a public requisition.*

MATHEW MORIARTY, esq. in the Chair.

Resolved unanimously, that the dignified, firm and patriotic sentiments, delivered by Daniel O'Connell, esq. Barrister at Law